

Original Mailing

PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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### Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on 11/20/2001  
Date

Allen W. Topping  
Signature

ALLEN W. TOPPING  
Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment A Re App. 09/207/339

Enclosure A

**RECEIVED**  
JAN 29 2003  
Technology Center 2600

Chaston Station of Post Office  
SAN FRANCISCO, California  
941179991  
(800)275 8777 02:58:39 PM  
1/20/2001

Description	Unit	Price	Final Price
WASHINGTON DC 20/31		\$1.26	

First Class  
Return Receipt  
Certified  
Serial #: 2001194000123960078

Issue PVI: \$4.86

Total: \$4.86

Paid by: \$10.00

Cash: \$6.14

Charge Due:  
Bill #: 1000500654560  
Clark: 03

Refunds only per DMN POLA  
Thank you for your business  
Customer Copy

**COMPLETE THIS SECTION - ON DELIVERY**

**RECEIVED**  
FEB 04 2002  
MAIL CENTER

1. Article Addressed to:  
Commissioner of Patents  
ETRENNARDS  
WASHINGTON, DC  
20231

2. Article N  
Transfer 2001194000123960078

3. Service Type  
☒ Certified Mail  
☐ Registered  
☐ Insured Mail  
☐ Express Mail  
☐ Return Receipt for Merchandise  
☐ C.O.D.  
☐ Restricted Delivery? (Extra Fee)

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

5. Is delivery address different from above? ☐ Yes ☐ No  
If YES, enter delivery address below:

6. Agent ☐ Address ☐  
 B. Received by (Signature) ☒ Date of Delivery

7. Attach this card to the back of the mailpiece, or on the front if space permits.

8. PS Form 3811, August 2001

Enclosure -  
Transmitted Form  
Re Ap 09/207/339  
Response to Action  
Re: 09/207/339  
Automated ID through Analysis  
of Optical Birefringence  
with Nail Beds  
Topping, et al.



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only: No Insurance Coverage Provided)

**OFFICIAL USE**

Postage	\$ 00.45	0039 08  Postmark Here  09/24/2001
Certified Fee	\$ 02.10	
Return Receipt Fee (Endorsement Required)	\$ 01.50	
Restricted Delivery Fee (Endorsement Required)	\$ 00.00	
Total Postage & Fees	\$ 04.05	

**Sent To**

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+ 4

PS Form 3800, January 2001

See Reverse for Instructions

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature ☒ Agent ☐ Addressee

D. Is the address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

2 hrs.

**RECEIVED**  
 OCT 05 2001

Service type ☐ Express Mail ☐ Certified Mail ☐ Registered Mail ☐ Insured Mail ☐ Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

☐ Return Receipt for Merchandise ☐ C.O.D.

7001 1940 0001 2397 1489

102595-00-M-0952

Domestic Return Receipt

2. Article Number (Copy from service label)

PS Form 3811, July 1999

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Stuart Lamm of Patents  
 US PTO  
 Washington, DC  
 20231

USPTO MAIL

**RECEIVED**  
 JAN 29 2003  
 Technology Center 2600



Transmitted from PTO 8821  
 leave for delivery of this PTO 8822  
 Check # 1511  
 Re: 09/207,339  
 Topping, et al

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only: No Insurance Coverage Provided)

20231

Postage

\$ \$0.34

Certified Fee

\$ \$2.10

Return Receipt Fee  
(Endorsement Required)

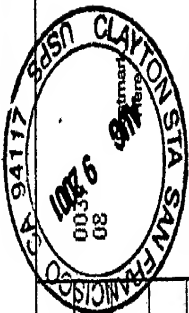
\$ \$1.50

Restricted Delivery Fee  
(Endorsement Required)

\$ \$0.00

Total Postage &amp; Fees

\$ \$3.94



Recipient's Name (Please Print Clearly) (To be completed by mailer)  
**PTO**

Street Apt. No. or PO Box No.  
**US Dept of Commerce**

City, State, ZIP+4  
**WASHINGTON DC 20231**

PS Form 3800, February 2000 See Reverse for Instructions

**RECEIVED**

JAN 29 2003

Technology Center 2600

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

US Patent Office  
 Dept. of Commerce  
 Washington DC.

**RECEIVED**

AUG 18 2001

PTO MAIL CENTER

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000-0520-0022-4646-921

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Transmittal Form PTO 8821

Request for

Extension of time PTO 5622

Pers. Check #3824

to PTO funds

Re: 09/207,339

Topping et al

Direct to Examiner Bali

703-305-4510



2726 9494 2200 0250 0002



UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd @ TUBAC 31 OCT '02

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 7

Allen W. L. Topping  
44 Delmar Street  
San Francisco, CA 94117

**MAIL**

OCT 11 2002

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
Allen Topping, et al.  
Application No.: 09/207,339  
Filed: December 8, 1998  
For: AUTOMATED IDENTIFICATION  
THROUGH ANALYSIS OF OPTICAL  
BIREFRINGENCE WITHIN NAIL BEDS

DECISION ON PETITION

This is a response to the paper filed July 31, 2002. The paper is being treated as a petition to withdraw holding of abandonment.

This application is in an abandoned status for failure to respond to the Office action mailed May 23, 2001. A Notice of Abandonment has not been mailed.

Subsequent to the mailing of the Office action, applicant filed a petition for one month extension which was received by the Patent and Trademark Office on August 13, 2001. On October 5, 2001, applicant filed a petition for two additional months extension. The two petitions resulted in a total of three months extension which established a statutory due date of November 23, 2001 for the applicant to respond to the Office action of May 23, 2001. A request for change of correspondence address was filed February 25, 2002. ✓

The petition includes evidence by way of a copy of three post card receipts showing receipt by the Office of the two requests for extension of time and "Response to Action". The post card receipt showing receipt of the response has a receipt date of February 4, 2002 stamped thereon. The petition also includes an unsigned copy of the response. The February 4, 2002 date shown on the copy of the post card acknowledging receipt of the response is after the six month statutory due date of November 23, 2001. However, the copy of the response has a "Notice of Mailing" thereon (also unsigned) showing a mailing date of November 20, 2001. This date is prior to the expiration of the extended period for response. The Notice of Mailing is being treated under the guidelines of 37 CFR 1.8(a).

The petition is **DISMISSED**.

The Notice of Mailing (Certificate of Mailing) on the copy of the amendment is not signed. 37 CFR 1.8(a)(1)(ii) requires signature on the Certificate of Mailing. Additionally, the amendment must be signed. It is further noted that all papers filed by applicant subsequent to the Office action have been signed by only one inventor. This application file is being prosecuted by the inventors themselves (pro se) without attorney/agent or assignee. When prosecuting a case pro se, any response by applicant must be signed by **all** inventors unless power of attorney is granted to a single signer.

In order to have the abandonment withdrawn, applicant, in response to this decision **MUST** include (1) a signed copy of the amendment; and (2) a signed certificate of mailing (the certificate of mailing must be signed by the person who performed the original mailing--all inventors need not sign the certificate). The two requests for extension of time, the change of address as well as the copy of the amendment **MUST** be resubmitted with the signatures of all inventors in order for them to be effective.

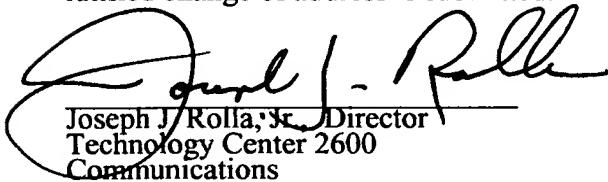
Sign  
ATTN: X2 T.O.P.  
Address

In re Application No. 09/207,339  
Decision on Petition

Page 2

Applicant is given **TWO MONTHS** from the date of this decision to file the copy of the amendment, properly signed by all inventors as outline above including the signed Certificate of Mailing. Applicant should also consider submitting the other papers properly signed at the same time.

The request for change of address is not effective until such a time as it is properly ratified by all inventors. A courtesy copy of this decision is being sent the address listed in the request for change of address. However, all future correspondence will be directed to the above address until a properly ratified change of address is submitted.



Joseph J. Rolla, Jr. Director  
Technology Center 2600  
Communications

cc: Allen Topping  
P.O. Box 1566  
Tubac, AZ 85646